

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

**LONNIE W. SMITH, JR.,
by and through his guardian
Wanda Smith,**

Case No.: 3:23-CV-00746

Plaintiff,

HON. ROBERT C. CHAMBERS

vs.

**WEST VIRGINIA DEPARTMENT
OF CORRECTIONS AND REHABILITATION, *et al.***

Defendants.

MOTION TO VACATE SCHEDULING ORDER AND STAY THE CASE

COMES NOW Plaintiff Lonnie W. Smith, Jr., by and through counsel Tyler C. Haslam and Haslam Law Firm LLC and hereby requests this Honorable Court to vacate the May 14, 2024 Scheduling Order entered in this matter and to stay the case.

Similar to the claims set forth in the Complaint, Plaintiff Lonnie W. Smith Jr. was severely injured on May 11, 2025 while in custody at Western Regional Jail. Mr. Smith was transported emergently to St. Mary's Medical Center and ultimately succumbed to his injuries on May 17, 2025. Upon information and belief, Mr. Smith was assaulted by another inmate and that inmate is pending criminal charges in the Circuit Court of Cabell County for manslaughter.

Mr. Smith's mother, Wanda Smith, has been working diligently to be appointed as administratrix of Mr. Smith's estate since May 17, 2025 so that she may be substituted as the Plaintiff in this action. Mrs. Smith's efforts were hampered by the need to obtain a death certificate that was deemed acceptable by the Cabell County Clerk. It is anticipated that Mrs. Smith will move the Court to amend the Complaint to add new causes of action related to Mr. Smith's death.

WHEREFORE, for the aforementioned reasons, decedent Plaintiff Lonnie W. Smith Jr.,
by and through counsel, requests that this Court GRANT his motion to vacate the scheduling order
and to stay the case, and for any and all other relief that the Court deems necessary and just,

Plaintiff Lonnie Smith, Jr.
By Counsel,

s/Tyler C. Haslam
Tyler C. Haslam (W. Va. Bar 11522)
HASLAM LAW FIRM LLC
Post Office Box 585
Huntington, WV 25710
T: (304) 948-8529
F: (304) 948-8282
tyler@haslamlawfirm.com
Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing “Motion to Vacate Scheduling Order and Stay the Case” was served upon all parties of record, via the Court’s electronic filing system:

s/Tyler C. Haslam
Tyler C. Haslam (W. Va. Bar 11522)
HASLAM LAW FIRM LLC
Post Office Box 585
Huntington, WV 25710
T: (304) 948-8529
F: (304) 948-8282
tyler@haslamlawfirm.com
Counsel for Plaintiff